

AMENDED IN ASSEMBLY AUGUST 4, 2004

AMENDED IN ASSEMBLY JULY 23, 2004

AMENDED IN ASSEMBLY JUNE 30, 2004

AMENDED IN ASSEMBLY JUNE 9, 2004

AMENDED IN SENATE MAY 24, 2004

AMENDED IN SENATE MAY 10, 2004

AMENDED IN SENATE MAY 6, 2004

AMENDED IN SENATE APRIL 26, 2004

AMENDED IN SENATE APRIL 12, 2004

---

---

**SENATE BILL**

**No. 1630**

**Introduced by Senator Speier**

**(Coauthor: Senator Alpert)**

(Coauthors: Assembly Members Shirley Horton, Koretz, Levine,  
Mullin, and Reyes)

February 20, 2004

---

---

An act to amend Section 35179.1 of, and to add Article 6.5 (commencing with Section 49030) to Chapter 6 of Part 27 of, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1630, as amended, Speier. Steroids and performance-enhancing dietary supplements.

Existing law sets forth the rights and responsibilities of pupils in public schools. Existing law further requires certain school employees to comply with various educational requirements.

This bill would require the State Department of Health Services, in consultation with the California Interscholastic Federation, to develop a list of performance-enhancing dietary supplements, as defined, on or before January 1, 2006, with certain requirements. The bill would require the California Interscholastic Federation to amend its constitution and bylaws to require that school districts prohibit a pupil from participating in high school sports on and after July 1, 2006, unless that pupil agrees not to use any of the prohibited substances identified by the department and the parent or guardian of that pupil signs a notification form regarding those restrictions, and to require a school district to administer testing based on a reasonable suspicion, as defined, for steroids and prohibited substances identified by the department, upon a determination by the Director of Finance that sufficient funds are available to support this activity. The bill would restrict access to test results to specified individuals. The bill would provide that a school district seek to ensure that a pupil that tests positive for steroids and prohibited substances identified by the department is referred to a school counselor, a substance abuse professional, or other appropriate school staff, to develop a course of treatment to address the prohibited use.

The bill would create the Interscholastic Athletics Anti-Doping Fund, and would authorize the State Department of Education and a school district to receive voluntary contributions to be used for the purposes of conducting tests for performance-enhancing dietary supplements upon an appropriation of those funds by the Legislature. ~~The bill would permit a school district to administer the testing described above, and would provide grants to a school district for that purpose, upon an appropriation by the Legislature.~~

The bill would, commencing July 1, 2006, prohibit schools from accepting sponsorships from manufacturers of those supplements and would prohibit certain school employees from selling, distributing, or promoting those supplements.

The bill would require each high school sports coach, as defined, to complete a coaching education program developed by his or her school district or by the California Interscholastic Federation that meets specified training requirements. The bill would make that requirement operative on December 31, 2007.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 35179.1 of the Education Code is  
2     amended to read:  
3     35179.1. (a) This section shall be known and may be cited as  
4     the 1998 California High School Coaching Education and  
5     Training Program.  
6     (b) The Legislature finds and declares all of the following:  
7     (1) The exploding demand in girls athletics, and an increase in  
8     the number of pupils participating in both boys and girls athletics,  
9     are causing an increase in the number of coaches needed statewide.  
10    (2) Well-trained coaches are vital to the success of the  
11    experience of a pupil in sports and interscholastic athletic  
12    activities.  
13    (3) Improvement in coaching is a primary need identified by  
14    hundreds of principals, superintendents, and school board  
15    members who participated in the development of a strategic plan  
16    for the California Interscholastic Federation (CIF) in 1993 and  
17    1994.  
18    (4) There are many concerns about safety, training,  
19    organization, philosophy, communications, and general  
20    management in coaching that need to be addressed.  
21    (5) It is a conservative estimate that at least 25,000 coaches  
22    annually need training and an orientation just to meet current  
23    coaching regulations contained in Title 5 of the California Code of  
24    Regulations, including basic safety and CPR requirements.  
25    (6) School districts, in conjunction with the California  
26    Interscholastic Federation, have taken the initial first steps toward  
27    building a statewide coaching education program by assembling  
28    a faculty of statewide trainers composed of school district  
29    administrators, coaches, and athletic directors using a national  
30    program being used in several states.  
31    (c) It is, therefore, the intent of the Legislature to establish a  
32    California High School Coaching Education and Training  
33    Program. It is the intent of the Legislature that the program be  
34    administered by local school districts and emphasize the following  
35    components:

(1) Development of coaching philosophies consistent with school, school district, and school board goals.

(2) Sport psychology: emphasizing communication, reinforcement of the efforts of young people, effective delivery of coaching regarding technique, and motivation of the pupil athlete.

(3) Sport pedagogy: how young athletes learn, and how to teach sport skills.

(4) Sport physiology: principles of training, fitness for sport, development of a training program, nutrition for athletes, and the harmful effects associated with the use of steroids and performance-enhancing dietary supplements by adolescents.

(5) Sport management: team management, risk management, and working within the context of an entire school program.

(6) Training: certification in CPR and first aid.

(7) Knowledge of, and adherence to, statewide rules and regulations, as well as school regulations including, but not necessarily limited to, eligibility, gender equity and discrimination.

(8) Sound planning and goal setting.

(d) This section does not endorse a particular coaching education or training program.

SEC. 2. Article 6.5 (commencing with Section 49030) is added to Chapter 6 of Part 27 of the Education Code, to read:

Article 6.5. Steroids and Performance-Enhancing Dietary Supplements

49030. (a) (1) For purposes of this article, “performance-enhancing dietary supplement” means a dietary supplement designed or marketed to improve athletic performance or physical development by promoting body or muscle growth, stimulating or altering the cardiovascular system or the central nervous system, altering the perception of pain, or otherwise enhancing athletic performance or physical development above levels that would be anticipated under normal conditions with appropriate nourishment.

(2) For purposes of this article, “performance-enhancing dietary supplement” does not include a dietary supplement in which the only ingredients consist of one or more of the following:

(A) Vitamins or minerals.

(B) Authorized food additives, color additives, ingredients authorized by prior sanction, or those classified as generally recognized as safe for use in foods as defined in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 301 et seq.), and accompanying federal regulations, except for caffeine in excess of 200 milligrams per serving, if these ingredients are used in a dietary supplement at the levels, and for the purposes, for which they may be used in foods.

(b) (1) For purposes of this article, “reasonable suspicion” means objective information deemed to be reliable by a school sports coach, athletic director, or other school official, together with rational inferences from that information, that warrants an objective suspicion that a pupil is using or has used steroids or performance-enhancing dietary supplements identified pursuant to Section 49032. That objective information shall include at least one of the following:

(A) An observed possession or usage by a pupil athlete of substances that appear to be steroids or performance-enhancing dietary supplements identified pursuant to Section 49032.

(B) An observed change in the appearance, behavior, or athletic performance of a pupil athlete that may reasonably be attributed to the use of steroids or performance-enhancing dietary supplements identified pursuant to Section 49032.

(2) For purposes of this article, a “reasonable suspicion” shall not be based upon any of the following factors:

(A) Race.

(B) National origin.

(C) Gender.

(D) Socioeconomic status.

(E) Sexual orientation.

(F) Suspicion or evidence of the use of steroids or performance-enhancing dietary supplements identified pursuant to Section 49032 among the pupil’s family members.

(G) Disability or a medical condition.

(H) Religion.

49031. (a) A teacher, athletic director, sports coach, or other school official or employee may not sell, distribute, or promote a performance-enhancing dietary supplement.

(b) A school may not accept a sponsorship from a performance-enhancing dietary supplement manufacturer.

1 (c) This section shall become operative on July 1, 2006.

2 49032. (a) The State Department of Health Services, in  
3 consultation with the California Interscholastic Federation, shall  
4 develop a list of performance-enhancing dietary supplements for  
5 the purposes of this article. The list shall be developed on or before  
6 January 1, 2006, and may be amended by the State Department of  
7 Health Services at any time. The State Department of Health  
8 Services shall submit this list to the State Department of Education  
9 on or before January 1, 2006. Upon receipt of this list, the State  
10 Department of Education shall notify each school district that  
11 contains grades 9 to 12, inclusive, that this list has been completed  
12 and shall post the list on its Web site. Any amendments to this list  
13 shall be submitted to the State Department of Education no later  
14 than December 31 of the year in which the amendments are made.  
15 Upon receipt of amendments to this list, the State Department of  
16 Education shall annually notify each school district that contains  
17 grades 9 to 12, inclusive, that this list has been amended and shall  
18 post the amended list on its Web site.

19 (b) In developing this list, the State Department of Health  
20 Services shall refer to existing lists of ~~performance-enhancing~~  
21 ~~dietary supplements~~ *prohibited substances* used by collegiate,  
22 professional, or Olympic sports organizations and shall develop  
23 the list so that it is appropriate to interscholastic sports.

24 49033. (a) Effective December 31, 2007, each high school  
25 sports coach shall have completed a coaching education program  
26 developed by his or her school district or the California  
27 Interscholastic Federation that meets the guidelines set forth in  
28 Section 35179.1.

29 (b) Upon completion of the program, a high school sports  
30 coach shall be deemed to have completed the education  
31 requirement for the remainder of his or her time coaching at the  
32 high school level in any school district in the state.

33 (c) Each high school sports coach shall be responsible for the  
34 costs of taking the course.

35 (d) The training requirements of this section shall count toward  
36 the continuing education required for the renewal of the teaching  
37 credential of a coach who is also a certificated employee.

38 (e) Notwithstanding subdivision (a), if the existing coach is  
39 unavailable to lead his or her team, a substitute coach who does not

1 meet the requirements of subdivision (a) may be used for no longer  
2 than one season of interscholastic competition.

3 (f) For the purposes of this section, “high school sports coach”  
4 means an employee or a volunteer who is authorized by a high  
5 school to be responsible for leading a school sports team of pupil  
6 athletes.

7 49034. (a) The State Department of Health Services, in  
8 consultation with the California Interscholastic Federation, shall  
9 develop a methodology for testing procedures that would most  
10 effectively screen high school pupils for the presence of steroids  
11 and, to the extent possible, *substances contained in*  
12 *performance-enhancing* dietary supplements identified pursuant  
13 to Section 49032.

14 (b) To the extent possible, the State Department of Health  
15 Services shall adopt an existing methodology currently used by a  
16 school district or collegiate sports organization. The State  
17 Department of Health Services may contract with a private  
18 consultant pursuant to Section 19130 of the Government Code.

19 (c) The State Department of Health Services shall develop this  
20 methodology on or before January 1, 2006, and shall submit the  
21 final testing methodology to the State Department of Education.  
22 Upon receipt of this methodology, the State Department of  
23 Education shall notify each school district that contains grades 9  
24 to 12, inclusive, that this methodology has been completed and  
25 shall post the methodology on its Web site.

26 49035. The California Interscholastic Federation shall amend  
27 its constitution and bylaws to require, as a condition of  
28 participation in interscholastic sports, that school districts comply  
29 with the following requirements:

30 (a) Effective July 1, 2006, upon the notification of school  
31 districts pursuant to subdivision (a) of Section 49032, a pupil may  
32 not participate in interscholastic high school sports, unless that  
33 pupil agrees not to use any of the supplements identified by the  
34 State Department of Health Services pursuant to Section 49032  
35 and the parent and guardian of that pupil signs a notification form  
36 regarding those restrictions.

37 (b) (1) A school district shall, upon the reasonable suspicion  
38 that a pupil athlete is using steroids or performance-enhancing  
39 dietary supplements identified by the department pursuant to  
40 Section 49032, require the pupil athlete to submit to a test pursuant



1 to the guidelines established pursuant to subdivision (a) of Section  
2 49034.

3 (2) Test results shall be treated as confidential medical records  
4 and shall be accessible only to the following individuals:

5 (A) The pupil athlete subject to testing.

6 (B) The parent or guardian of the pupil athlete.

7 (C) The principal or his or her designee who is directly  
8 responsible for school discipline and safety.

9 (D) Certified or licensed health care professionals employed by  
10 or working with a school district, including physicians, registered  
11 nurses, advanced nurse practitioners, counselors, and substance  
12 abuse professionals, for whom the information is necessary to  
13 facilitate an individualized course of treatment for the pupil athlete  
14 that addresses the use of steroids or performance-enhancing  
15 dietary supplements and supports scholastic success.

16 (E) Appropriate law enforcement authorities pursuant to  
17 Section 48902, individuals identified pursuant to Section 49075 or  
18 described in paragraph (1) of subdivision (b) of Section 49076, or  
19 other individuals pursuant to Section 49077.

20 (F) A county superintendent of schools and district  
21 superintendent of schools.

22 (G) A coach of the pupil athlete.

23 (3) A school district should seek to ensure that any pupil athlete  
24 who tests positive is referred to a school counselor, a substance  
25 abuse professional, or other appropriate school staff. The purpose  
26 of the referral should be the development of an individualized  
27 course of treatment that addresses the use of steroids or  
28 performance-enhancing dietary supplements and supports  
29 scholastic success.

30 (4) This article does not limit the ability of a school or school  
31 district to discipline a pupil under Article 1 (commencing with  
32 Section 48900).

33 49036. The department and a school district may accept  
34 voluntary contributions to pay the costs for compliance with  
35 subdivision (b) of Section 49035. Contributions received by the  
36 department shall be deposited in the Interscholastic Athletics  
37 Anti-Doping Fund, which is hereby created in the State Treasury.  
38 If a school district elects to accept a contribution pursuant to this  
39 section, the school district shall remit that contribution to the  
40 department to be deposited in the Interscholastic Athletics



1 Anti-Doping Fund. Funds deposited in the Interscholastic  
2 Athletics Anti-Doping Fund are available upon appropriation by  
3 the Legislature and may only be expended for purposes of  
4 subdivision (b) of Section 49035.

5 49037. Subdivision (b) of Section 49035 shall take effect only  
6 upon the determination by the Director of the Department of  
7 Finance that sufficient funds have been collected in the  
8 Interscholastic Athletics Anti-Doping Fund, or that the  
9 Legislature has appropriated sufficient funds, to support the  
10 activities described in that subdivision. The determination by the  
11 director shall be communicated in writing to the department.

12 ~~49038. Notwithstanding Sections 49036 and 49037, a school~~  
13 ~~district may administer reasonable suspicion-based tests to pupil~~  
14 ~~athletes involved in sports, pursuant to the guidelines established~~  
15 ~~pursuant to subdivision (a) of Section 49034. The department shall~~  
16 ~~provide grants to school districts for this purpose from the~~  
17 ~~Interscholastic Athletics Anti-Doping Fund, on a first come, first~~  
18 ~~serve basis, upon an appropriation by the Legislature. The~~  
19 ~~department shall advise school districts of the availability of these~~  
20 ~~grants.~~

